

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 3, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, April 3, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Dr. Jeffrey Trimble, Rising Sun Baptist Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

PRESENTATIONS

ZWEIBRUCKEN STUDENT EXCHANGE PROGRAM

Ms. Sandy Hespe, York County School Division, outlined the plans for the Zweibrucken, Germany, students' visit to York County, and she then asked them to come forward with their sponsors and introduce themselves. The delegation consisted of:

Meike Hauter	Olga Oster
Ellen Eitel	Anne Ernst
Katharina Rimbrecht	Magdalena Omlor
Alexa Bohr	Felix Oster
Christoph Schwarz	Eva Jarolim
Teacher Chaperone:	Christiane Huwer-Rieder

Chairman Burgett then welcomed the students and presented them with York County pins.

KING WILLIAM RESERVOIR STATUS

Mr. Randy Hildebrandt, Assistant City Manager of Newport News, appeared to bring the Board and County citizens up to date on the permitting process for the King William Reservoir. He stated that on March 20 the decision of the Corps of Engineers was to deny the permit for the project. Because of Governor Gilmore's intervention in advocacy of the issuance of a federal permit, the actual decision now rests with General Rhodes, Commander of the North Atlantic Division, US Army Corps of Engineers. Over the next 30 days the Norfolk District will accept

public comments on its 200-page decision, and Colonel Carroll will then make his final recommendation to General Rhodes which initiates another 30-day comment period. He spoke of the reasons why it was important to forward comments to the Norfolk District by May 4, and he reviewed the benefits of current reservoirs and how the proposed King William reservoir does not threaten the culture and existence of native American tribes in King William County. He stated he believed the Norfolk District staff values the maintenance of the natural environment far more than they value the need for communities to have a reliable and affordable water supply. Mr. Hildebrandt encouraged the individual elected officials to comment and copy their letters to the Governor and Congressional delegation.

Mr. David Morris, Project Manager, Newport News Waterworks, briefed the Board regarding the recent findings of the Corps of Engineers concerning its permit denial for the King William Reservoir. He stated the region has worked for over a decade with the Corps and state government to make sure the King William project was a permissible project. He spoke of the flaws found in the Corps document denying the permit such as the Corps' belief that the existing area reservoirs have more supply in dead storage and its contention that the James City County project will yield up to 6 million gallons a day more for the Peninsula. Mr. Morris noted that the James City County project will yield only about 1 ½ million gallons additional per day, and James City County will address that statement with the Corps. The Corps' contention that additional development would occur around a new reservoir would be difficult in that it is designated as a conservation area. The alleged environmental impact to the Indian tribes is not true; a new reservoir would more affect the communities around the reservoir, and those communities support the project. Regarding wetlands mitigation, Mr. Morris stated that over 250 mitigation sites were visited, and the selection was through a consensus process with the Corps, and the Corps is now saying there is a shortfall. He stated the entire document was written in a very negative tone, and its evaluation provides a double standard. An honest rebuttal to these statements will be prepared reminding the Corps that most of the areas challenged were directed by the Corps itself. Mr. Morris stated he felt the region has a very good chance during appeal in that the Corps has not stopped permitting other projects around the country. Newport News is very optimistic because there is very strong support for the King William Reservoir in the state, and it will continue to coordinate closely with York County staff on its progress.

Mr. Ashe asked what was the amount of money spent thus far on studies for this project and who was paying for it.

Mr. Morris stated that water customers around the Peninsula were financing the project which to date has cost \$19 million dollars. He noted that this has been due to the studies which were required by the Corps of Engineers.

Mr. Ashe asked if the Corps gives the city credit for the wetlands recreated around the reservoir once it is built.

Mr. Morris indicated it did not.

Mrs. Noll stated she has seen in the newspaper that a couple of the proponents for the Indian tribes have stated there are many other sources available, one being recycled waste water. She asked how viable an option that would be.

Mr. Morris stated there is an instance of treated waste water being used. The Health Department steers localities away from this option if there are other sources of water available.

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Newport News tried to duplicate the idea to see if the Health Department would allow it, but it could not be done because of the strict parameters set by the Health Department. Mr. Morris stated it wasn't worth the expenditure or health risk.

CITIZENS COMMENT PERIOD

Mr. Richard Murtland, 102 Valentine Circle, spoke concerning the environmental and development systems in the County and its Code Compliance Division. He explained that he has had complaints lodged against him which had no foundation in substance. After each investigation by the County, no violation has been found. He stated what he was experiencing borders on harassment, and he has been told by County employees in Code Compliance that the complainant's information is confidential and may not be given to him. Mr. Murtland asked the Board to address the matter and find a way to stop harassing citizens when unsubstantiated complaints are made against them.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett addressed Mr. Murtland's comments stating there was an Attorney General's decision that states complaints of code violations are under the Freedom of Information Act and can be treated as criminal investigations. As a local practice, local governments do not normally release names of complainants. Mr. Barnett then indicated his office would be one of those moving on Friday to the newly renovated wing in the Administration Building.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds stated that staff was actively pursuing the arrangements for use of York Hall. Negotiations with the Yorktown Arts Foundation should be available in the very near future. There will also be an estimate for furnishing the gift shop and utilizing the area downstairs in the building as well. He then mentioned that there was a conflict for a couple of the Board members to hold the scheduled retreat on April 28, and he asked the Board to consider re-scheduling to either May 5, May 19, or June 9.

Mr. Wiggins and Mrs. Noll indicated they had previous commitments on May 5.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll noted it was National Library Week, and she explained that the library has activities planned for all ages. She suggested that individuals visit the web site and look at the calendar of events and participate. She also noted that April was Child Abuse Prevention Month, and the public was encouraged to recognize this event and renew vows to take care of the children. Mrs. Noll then stated the signage on Route 17 was changing in that the street signs are being placed on overhead poles. She stated the flags have been at half-mast in honor of Congressman Sisisky who passed away.

Mr. Ashe stated he had the occasion today to attend a meeting in Norfolk relating to a state-wide regional housing study that the Secretary of Trade and Commerce asked be done to find out what is impacting housing in all the regions across the state. One of the amazing things that has come out of the study so far is that one of the major housing needs the region will be

facing is for the younger residents, aged 20-35. He stated there is a real shortage for this age group, and there is also a real need for housing facilities for the homeless. Once the study is complete, Mr. Ashe stated he would make sure the Board received copies. He distributed to them at this time copies of the materials he received during today's meeting.

Mr. Zaremba noted that the Board would be approving the Fiscal Year 2002 budget for the County later in the meeting. The budget process has been ongoing since October of last year, and the citizens have had the opportunity to interact with the Board to voice their concerns. The proposed budget has been on the County web site, and there have been many work sessions held on the various parts of the overall budget. He stated he found it interesting this year that there was very little citizen input received during this six-month process, and this was either because the citizens are completely happy with the Board's performance or there is a great deal of apathy and the people don't want to get involved. Mr. Zaremba spoke of the many issues coming up and again appealed to the citizens to get involved and provide the Board with input. He then commented on having read the minutes of the January 25 meeting of the Parks and Recreation Advisory Board, and in it was a comment that the Advisory Board expressed disappointment that it was not called upon to provide a position on some of the discussions the Board of Supervisors was having on Parks and Recreation issues. Mr. Zaremba stated the Parks and Recreation Advisory Board did not need an invitation to provide input, and indicated the Board would be grateful at any time for the opinion and input of the Advisory Board.

Mr. Wiggins spoke concerning the water situation and the fact that the water table drops about 2 feet each year. Some people in the County are having to have their wells dropped 3-4 feet in order to get water. He noted the County plans to hook up to the Newport News City water system to provide for the County's future water supply. New Kent County does not have a water system, and they wish to depend on Newport News for their future supply also. He urged all citizens to support the Newport News Waterworks in its attempts to obtain a permit for the King William Reservoir in order to provide the region's future water supply.

Chairman Burgett also noted that anyone serving on a York County board or committee is encouraged to provide input to the Board whenever they feel the need without having to be asked. He then stated he had attended the Hampton Roads and the Peninsula Mayors and Chairs meetings during the last two weeks. A major effort of both groups has been the State budget and getting the Governor to back off on some of the budget cuts he has proposed that will affect the region. He stated on Sunday he had the pleasure to attend the dedication of the new fellowship hall at Grafton Baptist Church. Chairman Burgett reminded everyone that on Friday the Child Development Resources' open house would be held at the Griffin-Yeates Center, and Saturday was York County's Volunteer Appreciation Day that would be held at Yorktown Middle School. During this evening's Closed Meeting, Chairman Burgett indicated the Board would be reviewing the applications received for the position of County Administrator. He stated the Board's goal tonight was to select the top candidates to interview on April 10 in order to make an announcement by April 17.

UNFINISHED BUSINESS

PURCHASE AUTHORIZATION

Mr. McReynolds stated this item was tabled from the March 20 meeting in order to allow the Board to discuss the procurement process. A work session was held on March 27 to review the process.

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Chairman Burgett indicated the Board had held two meetings where this item was discussed at length, and he was ready for the vote.

Mr. Zaremba expressed his concern and opinion that the award of this contract was wrong, and his vote would reflect that opinion. The Board was advised there were seven contractors who submitted proposals, and there was only \$15,000 separating the top two bidders. The selection team for the County considered each contractor for responsiveness and responsibility to meet the contract requirements. In light of the criteria that must be considered, it was clear to him that the recommended contractor for this procurement lacked the moral and business integrity required to receive the award. Mr. Zaremba also expressed his disappointment in the lack of citizen concern regarding this procurement.

Mr. Wiggins stated he appreciated Mr. Zaremba's comments, but he disagreed that it was not an inappropriate award. He stated the issue Mr. Zaremba spoke of previously was over and had nothing to do with the contract in question.

Mr. Ashe indicated he has bid contracts such as this for 28 years and understands contract law as was explained by staff in great detail, and he saw no reason to pass on to the next bidder. The subject contractor performed the construction on the Calthrop Neck sewer project and did a fine job, including keeping the streets clean and open, and he worked with the citizens to keep them informed. He agreed that whatever happened with this contractor before was history.

Chairman Burgett stated he felt the contractor met the requirements for successfully bidding the contract. His actions on his own property in the northern part of the County were not relevant to this contract.

Mrs. Noll agreed that there were two separate issues and that one had nothing to do with the other. She then moved the adoption of proposed Resolution R01-67 that reads:

A RESOLUTION TO AUTHORIZE PROCUREMENT OF THE DARE
AREA SECTION 3 VACUUM SEWER AND WATER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3^d day of April, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

Dare Area Section 3 Vacuum Sewer & Water Project	<u>AMOUNT</u> \$1,936,859
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On roll call the vote was:

Yea: (4) Noll, Wiggins, Ashe, Burgett
Nay: (1) Zaremba

CONSENT CALENDAR

Mr. Zaremba moved that the Consent Calendar be approved as submitted, Item Nos. 1, 2, 3, 4, 5, and 6, respectively.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 1. APPROVAL OF MINUTES

The following minutes of the York County Board of Supervisors were approved:

March 6, 2001, Regular Meeting
March 13, 2001, Adjourned Meeting
March 15, 2001, Adjourned Meeting

Item No. 2. PUBLIC SAFETY EMPLOYEE OF THE QUARTER: Resolution R01-59

A RESOLUTION TO COMMEND ANDREW T. BARDEN, FIRE CAPTAIN, DEPARTMENT OF FIRE AND LIFE SAFETY, DIVISION OF FIRE AND RESCUE OPERATIONS, AS PUBLIC SERVICE EMPLOYEE OF THE QUARTER

WHEREAS, Captain Andrew T. Barden has been employed with the Department of Fire and Life Safety for ten years and currently serves as the Station Officer for Fire Station Three; and

WHEREAS, Captain Barden volunteered to design, develop and personally instruct a training program for fire apparatus operators; and

WHEREAS, he began with a state certification program and expanded it to include experience with all types of department fire suppression equipment; and

WHEREAS, he conducted eight classes over a 10-month period, at approximately 90 hours each for 52 of the department's personnel; and

WHEREAS, this training has now set the performance standard for the release of fire apparatus operators and enhanced the operational readiness of the department; and

WHEREAS, Captain Barden's dedication and commitment make him a valuable asset to the department;

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NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3^d day of April, 2001, that Andrew T. Barden, Fire Captain, is hereby congratulated upon his selection as Public Service Employee of the Quarter for the quarter ended December 31, 2000.

Item No. 3. PUBLIC SERVICE EMPLOYEE OF THE QUARTER: Resolution R01-60

A RESOLUTION TO COMMEND F. TROY LYONS, DEPUTY SHERIFF - INVESTIGATOR, OFFICE OF THE SHERIFF, AS PUBLIC SAFETY EMPLOYEE OF THE QUARTER

WHEREAS, on July 21, 2000, Investigator F. Troy Lyons was assigned to investigate and process a robbery crime scene at a 7-Eleven convenience store located off Route 17 in the Tabb section of York County; and

WHEREAS, two masked suspects armed with handguns had committed robbery of the store and in the process shot and killed a female clerk and wounded another; and

WHEREAS, the only available evidence at the scene was the statement of the clerk who had been shot and the video that had captured the crime on film; and

WHEREAS, Investigator Lyons reviewed the video for any small details that might identify the suspects; and

WHEREAS, he detected a small, light colored car drive into view and watched the two suspects get into the vehicle and leave and this evidence led to arrest of the suspects as well as the recovery of the weapons used in the robbery; and

WHEREAS, Investigator Lyons' diligence and devotion to duty solved this case in a quick and diligent manner and proves he is a valuable asset to the Sheriff's Office and the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3^d day of April, 2001, that F. Troy Lyons, Deputy Sheriff - Investigation, is hereby congratulated upon his selection as Public Safety Employee of the Quarter for the quarter ended December 31, 2000.

Item No. 4. EXPENDITURE OF FUNDS FOR NEW QUARTER PARK OPERATIONS: Resolution R01-62

A RESOLUTION TO APPROVE THE EXPENDITURE OF UP TO \$28,000 FROM THE CONTINGENCY RESERVE TO BE USED TO OPEN NEW QUARTER PARK FOR GENERAL PUBLIC USE AND TO PURCHASE ADDITIONAL PICNIC TABLES AND TRASH CANS

WHEREAS, the Board of Supervisors has directed staff to open New Quarter Park for general public use from Saturday, May 26 through Saturday, June 30, 2001 and possibly on certain weekends and purchase additional picnic tables and trash cans for the Park;

WHEREAS, funds are needed to open the Park and make such purchases as outlined in the County Administrator's report to the Board dated March 16, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of April, 2001, that the expenditure of up to \$28,000 from the Contingency Reserve be, and hereby is, authorized for the purpose of opening New Quarter Park to the general public and purchasing additional picnic tables and trash cans as described in the County Administrator's report to the Board dated March 16, 2001.

Item No. 5. ENDORSEMENT OF FAIR HOUSING PRINCIPLES: Resolution R01-37

A RESOLUTION ENDORSING THE PRINCIPLES OF FAIR HOUSING
AS SET FORTH IN TITLE 36, CHAPTER 5.1 OF THE CODE OF VIR-
GINIA (1950 AS AMENDED)

WHEREAS, the Commonwealth of Virginia has, through Section 36-96.1 of the Code of Virginia (1950, as amended), established a policy to: "provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity and general welfare of all inhabitants of the Commonwealth may be protected and insured;" and

WHEREAS, Section 36-96.8 et.seq., of the Code of Virginia (1950 as amended) empowers the Virginia Real Estate Board to receive complaints and conduct investigations of alleged violations of the Fair Housing Law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of April, 2001, that the Board does hereby reaffirm its endorsement of the principles of the Virginia Fair Housing Law and does hereby state that it is the policy of the York County Board of Supervisors that said principles are, and continue to be, adhered to in this County.

Item No. 6. PARABOLIC DISH ANTENNA: Resolution R01-63

A RESOLUTION TO APPROVE A REQUEST BY XM SATELLITE RADIO
TO ADD A PARABOLIC DISH ANTENNA TO AN EXISTING 250-FOOT
COMMUNICATIONS TOWER

WHEREAS, XM Satellite Radio has submitted a request to add a parabolic dish antenna onto an existing 250-foot communications tower located at the intersection of Water Country Parkway and Penniman Road near the Route 199 and Interstate 64 interchange and further identified as Assessor's Parcel No. 11-31A; and

WHEREAS, said request has been referred to the York Board of Supervisors in accordance with the procedures established in Resolution R96-244 (R-2); and

WHEREAS, the Board of Supervisors has carefully considered the recommendation, with respect to this request;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of April, 2001, that it does hereby approve the request by XM Satellite Radio, as described in the County Administrator's report to the Board dated March 20, 2001, to add a parabolic dish antenna to an existing 250-foot communications tower located at, the intersection of Water Country Parkway and Penniman Road near the Route 199 and Interstate 64 interchange on property further identified by Assessor's Parcel No.11-31A.

NEW BUSINESS

APPROVAL OF PROPOSED FY2002-2007 CAPITAL IMPROVEMENTS PROGRAM

Mrs. Noll moved the adoption of proposed Resolution R01-34 that reads:

 A RESOLUTION TO ADOPT THE FISCAL YEAR 2002-2007 CAPITAL
 IMPROVEMENTS PROGRAM AS A LONG-RANGE PLANNING DOCU-
 MENT

 WHEREAS, in consideration of materials received from the departments and agencies of the County and direction from the Board of Supervisors, the County Administrator has developed a proposed Fiscal Year 2002-2007 Capital Improvements Program; and

 WHEREAS, the Capital Improvements Program serves as a long-range planning document subject each year to review and approval of funding by the Board of Supervisors; and

 WHEREAS, such review has been completed for the Fiscal Year 2002-2007 Capital Improvements Program;

 NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3^d day of April, 2001, that the County Administrator's proposed Fiscal Year 2002-2007 Capital Improvements Program be, and is hereby, adopted by the Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

APPROVAL OF THE FISCAL YEAR 2002 BUDGET AND CALENDAR YEAR 2001 TAX RATES

Mr. Wiggins moved the adoption of proposed Ordinance No. 01-1 that reads:

 AN ORDINANCE TO IMPOSE TAX LEVIES UPON TANGIBLE PER-
 SONAL PROPERTY, UPON MACHINERY AND TOOLS, UPON MO-
 BILE HOMES, AND UPON REAL ESTATE FOR THE CALENDAR
 YEAR 2001, AND TO PRORATE TAXES ON MOBILE HOMES

 WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for the County of York for calendar year 2001 beginning January 1, 2001, and ending December 31, 2001; and

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WHEREAS, the Board has duly advertised and held a public hearing on the subject tax levies;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 3rd day of April, 2001, that the following County tax levies be, and they hereby are, imposed for the calendar year 2001:

	<u>Class of Property</u>	<u>Rate Per \$100 of Assessed Valuation</u>
1.	Real Estate	.86
2.	Tangible Personal Property	4.00
3.	Machinery and Tools	4.00
4.	Vehicles without motive power, used or designed to be used as manufactured homes as defined in Section 36-85.3 of the Code of Virginia	.86
5.	Boats or watercraft weighing five tons or more	1.00

BE IT FURTHER ORDAINED that if a mobile home is delivered or moved to York County after January one of any year and used as a place of full-time residence by any person, the Commissioner of Revenue shall assess and quarterly prorate any property taxes which would have been collectible had such mobile home been situated within York County on January one of that year.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Mr. Zaremba moved the adoption of proposed Resolution R01-35 that reads:

A RESOLUTION TO APPROVE THE BUDGETS AND APPROPRIATE
FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2001 AND
ENDING JUNE 30, 2002

WHEREAS, the County Administrator has submitted to the York County Board of Supervisors a proposed annual budget for the County for the fiscal year beginning July 1, 2001 and ending June 30, 2002, which has been reviewed by the Board of Supervisors; and

WHEREAS, it is necessary to adopt said budget and appropriate sufficient funds to cover the requirements included therein; and

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WHEREAS, the Board of Supervisors, in exercising its independent judgment and in concert with the York County School Board, has considered the school's annual operating budget; and

WHEREAS, the educational budget submitted by the York County School Board for Fiscal Year 2002, contains estimated availability of funding from the Federal government in the amount of \$9,304,958; from the State government in the amount of \$39,125,435; from the local appropriations in the amount of \$28,114,800 (including \$881,142 for continuation of the School Grounds Maintenance Agreement); and other local revenues in the amount of \$1,076,950;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3^d day of April, 2001, that the Fiscal Year 2002 annual budget of the York County School Division for school operations in the amount of \$77,622,143 be, and is hereby, approved subject to and contingent upon the availability of funds as indicated in the preamble hereto.

BE IT FURTHER RESOLVED that the annual budget in the sum of \$2,784,728 for Fiscal Year 2002 be, and is hereby, approved for the operation of food service programs for purposes authorized and approved by the York County School Board subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the Fiscal Year 2002 Annual Budget for the County of York be, and is hereby, adopted as proposed on this date.

BE IT STILL FURTHER RESOLVED that the following annual appropriations for Fiscal Year 2002 be, and are hereby, made in the General Fund for the following functions:

Functions	
General Administration	1,460,581
Judicial Administration	1,825,543
Public Safety	14,768,188
Environmental & Development Services	3,169,877
Financial & Management Services	5,689,946
Education & Educational Services	35,474,183
Human Services	2,080,829
General Services	4,207,955
Community Services	2,178,769
Capital Outlay	3,785,645
Non-Departmental	<u>2,543,862</u>
Total General Fund	<u>77,185,378</u>

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer the appropriations included in the General Fund Non-Departmental function for the allocation of the market adjustment and benefits to the personnel services category in the various General Fund functions.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of one-half (1/2) of the actual meals tax collections to the Water and Sewer Extension and Stormwater

Maintenance Funds be, and is hereby, adjusted in the General Fund to effect the funding for County water, sewer and stormwater projects.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of an amount equal to actual revenues received as a result of the three percent (3%) increase in the Transient Occupancy Tax rate to the Tourism Fund be, and is hereby, adjusted in the General Fund to effect the funding for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the \$35,474,183 appropriated above from the General Fund for Education and Educational Services, includes \$28,114,800 for the local contribution to the School Division for support of the School operating budget and, of this amount \$27,233,658 is appropriated as a non-categorical appropriation to be allocated among the various school operating categories as the School Board deems necessary and \$881,142 is appropriated to the Operation and Maintenance Category for continuation of the School Grounds Maintenance Agreement, dated June 23, 1992, as adopted by the York County Board of Supervisors and the York County School Board.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$325,555 for Fiscal Year 2002 be, and is hereby, made in the County Workers' Compensation Fund for the management and operation of the workers' compensation program.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,254,600 for Fiscal Year 2002 be, and is hereby, made in the Tourism Fund for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$758,000 for Fiscal Year 2002 be, and is hereby, made in the Revenue Stabilization Reserve Fund for school construction projects.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,839,112 for Fiscal Year 2002 be, and is hereby, made in the Vehicle Maintenance Fund for the operation of the County's vehicle and equipment maintenance program.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$4,113,467 for Fiscal Year 2002 be, and is hereby, made in the Virginia Public Assistance Fund for the operation of the York/Poquoson Department of Social Services.

BE IT STILL FURTHER RESOLVED that the annual appropriation of the Virginia Public Assistance Fund be, and is hereby, increased if and when additional Federal and/or State funds become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$44,500 for Fiscal Year 2002 be, and is hereby, made in the Yorktown Waterfront Fund for the operation and maintenance of the Yorktown Waterfront in accordance with the agreement made between the Yorktown Trustees and the Board of Supervisors.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$10,075 for Fiscal Year 2002 be, and is hereby, made in the Law Library.

BE IT STILL FURTHER RESOLVED that local revenue received directly by the School Operating Fund, estimated to be \$1,076,950 for Fiscal Year 2002 be, and is hereby, appropriated in the School Operating Fund subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,015,648 for Fiscal Year 2002 be, and is hereby, made in the Children's Services/ Head Start Fund for the operation of the Head Start and the United States Department of Agriculture (USDA) Programs.

BE IT STILL FURTHER RESOLVED that the annual appropriations of the Head Start and USDA Programs be, and are hereby, increased if and when additional Federal and State funds or local contributions become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions. In addition, the County Administrator is, and shall be, authorized on a continuing basis to apply for subsequent grants and aid under the Head Start and USDA Programs and to do all things necessary to implement said grants.

BE IT FURTHER RESOLVED that local revenue received directly by the School Food Service Programs, estimated to be \$2,012,728 for Fiscal Year 2002 be, and is hereby, appropriated in the School Food Service Fund subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$450,000 for Fiscal Year 2002 be, and is hereby, made in the Schools Workers' Compensation Fund for the management and operation of the workers' compensation program.

BE IT STILL FURTHER RESOLVED that an annual appropriation in the sum of \$4,241,000 for Fiscal Year 2002 be, and is hereby, made in the School Construction Fund for school capital maintenance and technology projects.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$3,972,500 for Fiscal Year 2002 be, and is hereby, made in the Yorktown Capital Improvements Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$2,676,000 for Fiscal Year 2002 be, and is hereby, made in the Capital Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$197,473 for Fiscal Year 2002 be, and is hereby, made in the Fire and Rescue Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$5,242,945 for Fiscal Year 2002 be, and is hereby, made in the School Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$540,866 for Fiscal Year 2002 be, and is hereby, made in the Public Facilities Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the following appropriations for Fiscal Year 2002 be, and are hereby, made in the Sanitary District and Enterprise Funds:

Funds:

Sanitary District No. 1 Fund

84,900

Upper County Utility Fund	20,200
Solid Waste Management Fund	3,830,552
Water Utility Fund	369,960
Sewer Utility Fund	4,000,155
Stormwater Management Fund	270,000
Sanitary District No. 2 Fund	443,100
Water and Sewer Extension Fund	4,803,856

BE IT STILL FURTHER RESOLVED that the County Treasurer, upon receipt of a written order from the County Administrator, is authorized to advance moneys between the several County funds under her custody provided, however, that the total advanced to any particular fund, plus the amount of moneys disbursed from that fund, does not exceed the annual appropriation of said fund.

BE IT STILL FURTHER RESOLVED that, upon receipt of a written request from the York County Library Board, the County Administrator shall be, and is hereby, authorized to do all things necessary to apply for Federal and State library aid and in addition, the annual appropriation for library operations be, and is hereby, increased for all funds received under this program in accordance with the recommendations of the York County Library Board.

BE IT STILL FURTHER RESOLVED that, upon receipt of a written notification of a grant award by various State and Federal agencies not to exceed \$30,000, the County Administrator shall be, and is hereby, authorized to accept and to execute grant agreements, unless the terms of the grant require specific actions by the Board and to give such assurances as may be required by the grant agreement, to be approved as to form by the County Attorney, and in addition, the grant funding awarded shall be, and is hereby, appropriated under these programs to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to accept funding under the Job Training Partnership Act, execute any necessary grant agreements or contract, to implement a 2001 York County Summer Youth Employment Training Program, subject to approval of all agreements or contracts as to form by the County Attorney, and in addition, all funds received under this program shall be, and are hereby, appropriated in the General Fund for the purposes referenced.

BE IT STILL FURTHER RESOLVED that additional funds received from the Federal or State Drug Asset Revenue Sharing Programs be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the Federal and State governments.

BE IT STILL FURTHER RESOLVED that additional funds received from contributions for the Safety Town Program, Beautification Projects, the Youth Commission, the Zweibrucken Exchange Program, the K-9 Unit and the Bike Patrol of the York County Sheriff's Office, the York County DARE Program, Fire and Life Safety Programs, or Housing and Low Income Families Programs be, and are hereby, appropriated in the General Fund for the purposes established by each program.

BE IT STILL FURTHER RESOLVED that additional funds received from donations from the York County Fire & Rescue Volunteers be, and are hereby, appropriated in the General Fund for the purpose of supporting programs of the Department of Fire and Life Safety.

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BE IT STILL FURTHER RESOLVED that additional funds received from the State Department of Environmental Quality for the Litter Control Program be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that additional funds received from the State Department of Emergency Services for the emergency management program be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that additional funds received from the Virginia Juvenile Crime Control Act (VJCCA) for juvenile correction programs be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that upon receipt of written notification from the State Compensation Board of additional funds for the Constitutional Officers (Commonwealth's Attorney, Sheriff, Clerk of Court, Treasurer, and Commissioner of Revenue) not to exceed \$30,000 be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the State government.

BE IT STILL FURTHER RESOLVED that the annual contributions that are in excess of \$30,000, which are hereby appropriated, shall be disbursed on a semiannual basis with the amount disbursed not to exceed one half of the total appropriation. Contributions to the York County School Board and the York/Poquoson Department of Social Services are exempt from this limitation. All other exceptions must be approved by the Board of Supervisors. In addition, the County Administrator may require written reports on how the previous allocation(s) was/were spent before any future disbursements are made.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for Fiscal Year 2002 in the various funds for the purpose of liquidating encumbered purchase transactions as of June 30, 2001 not to exceed the Reserves for Encumbrances as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for Fiscal Year 2002 in the various funds for the purpose of continuing capital and special projects as of June 30, 2001 not to exceed the Designation of Subsequent Year's Expenditures as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer funds within appropriation functions. These transfers may be made to allow the disbursement of funds for unanticipated costs incurred in daily County operations and any such transfer may not result in a change in the total appropriated for personnel or non-personnel costs within the function.

BE IT STILL FURTHER RESOLVED that the County Administrator, Director of Financial and Management Services and Chief of Budget and Financial Reporting be, and are hereby, the authorized signers for the General Administration petty cash account available to allow for emergency purchases necessary in daily County operations.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

DESIGNATION OF REAL PROPERTY TAX FOR SCHOOL PURPOSES

Mr. McReynolds explained the purpose of proposed Resolution R01-33 to designate a portion of the real property tax for school purposes.

Mrs. Noll asked what portion of the tax rate is designated to the schools.

Mr. McReynolds indicated that \$.651 is designated for every \$.86 of the tax rate.

Mr. Ashe then moved the adoption of proposed Resolution R01-33 that reads:

A RESOLUTION TO DESIGNATE A PORTION OF THE REAL PROP-
ERTY TAX FOR SCHOOL PURPOSES

WHEREAS, Public Law 874 enacted by the 81st Congress, and codified in 20 U.S.C. Sections 236 to 241-1 and 242 to 244 (hereinafter "the Act"), provides for federal financial assistance to local educational agencies in areas affected by federal activities; and

WHEREAS, approximately half the land area of York County is controlled by the federal government, part of which entitles the York County School Division to financial assistance under Section 2 of the Act, as administered pursuant to U. S. Department of Education regulations governing distribution of financial aid authorized by the Act, 34 CFR Part 222, Subpart J; and

WHEREAS, the York County School Division is a fiscally dependent local education agency under these U. S. Department of Education regulations; and

WHEREAS, 34 CFR Section 222.3, Definitions, provides that for a fiscally dependent local education agency, the local real property tax rate for school purposes can be defined as "that portion of a local real property tax rate designated by the general government for school purposes"; and

WHEREAS, the York County Board of Supervisors finds it to be in the best interest of the citizens of York County to designate a portion of the local real property tax rate for school purposes in conformance with 34 CFR Section 222.3;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of April, 2001, that for Fiscal Year 2002, a portion of the York County, Virginia, local real property tax rate equal to sixty-five and one tenths cents (\$.651) per \$100 of valuation be, and is hereby, designated for school purposes as provided in 34 CFR Section 222.3.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

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PUBLIC SEWER EXTENSION AGREEMENT—RAMSEY ESTATES

Mr. McReynolds explained the purpose of proposed Resolution R01-57 to authorize an amendment to the public sewer extension agreement for the Ramsey Estates development.

Mrs. Noll asked the County Attorney for clarification as to why the Board is considering this action.

Mr. Barnett explained the confusion in the ordinance about how it applied with respect to the initial fee if it was paid within 90 days of the offer. He stated it is clear on existing lots but is unclear with unsubdivided, undeveloped land. He indicated that staff should be coming before the Board with an amendment in the near future to clarify these issues. As to the three parcels on the property in question, the developer will be paying the higher fee because the owner at the time did not choose to pay the lower initial fee.

Mrs. Noll then moved the adoption of proposed Resolution R01-57 that reads:

A RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PUBLIC
SEWER EXTENSION AGREEMENT FOR THE RAMSEY ESTATES DE-
VELOPMENT

WHEREAS, the Board of Supervisors previously approved the Public Sewer Extension Agreement through the adoption of Resolution R00-186; and

WHEREAS, the sanitary sewer connection fees to be due from the developer for the 29 lot subdivision were determined to be \$162,400, but a reexamination of the applicable ordinances suggests that a lower fee should be charged; and

WHEREAS, the amended Public Sewer Extension Agreement sets the sanitary sewer connection fees due from the developer for this development at \$65,550;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3^d day of April, 2001, that the County Administrator be, and hereby is, authorized to execute an amended public sewer extension agreement with Richard C. Epstein for the Ramsey Estates Development amending the amount of the sewer connection fees for the project to be \$65,550, such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 8:21 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions, and the employment of a specific County employee.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Reconvened. At 8:46 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of April, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY TRANSPORTATION SAFETY COMMISSION

Mr. Wiggins moved the adoption of proposed Resolution R01-53(R) that reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK
COUNTY TRANSPORTATION SAFETY COMMISSION

WHEREAS, David E. Reubush and Hiram D. Simkins will complete their respective terms on the York County Transportation Safety Commission on March 31, 2001; and

WHEREAS, Larry J. Akin has resigned from the Transportation Safety Commission effective March 1, 2001; and

WHEREAS, both Mr. Reubush and Mr. Simkins wish to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of April, 2001, that the following individuals be, and they are hereby, appointed to serve

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on the York County Transportation Safety Commission for terms to begin and expire as follows:

David E. Reubush (begin April 1, 2001, and expire March 31, 2004)

Hiram D. Simkins (begin April 1, 2001, and expire March 31, 2004)

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett

Nay: (0)

APPOINTMENT TO THE YORK COUNTY WETLANDS BOARD

Mr. Wiggins moved the adoption of proposed Resolution R01-66 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
WETLANDS BOARD

WHEREAS, John R. Sharkey, Jr., resigned from the York County Wetlands Board on March 8, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of April, 2001, that Bobby C. James be, and he is hereby, appointed to the York County Wetlands Board for the remainder of John R. Sharkey's term, such term to expire on June 30, 2005.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett

Nay: (0)

Meeting Adjourned. At 8:47 p.m. Chairman Burgett declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors